

JOHN J. HOFFMAN  
ACTING ATTORNEY GENERAL OF NEW JERSEY  
Division of Law  
124 Halsey Street  
P.O. Box 45029  
Newark, New Jersey 07101

By: Joshua M. Bengal  
Deputy Attorney General  
Tel. (973) 648-7093

Filed by the Board of Professional  
Engineers and Land Surveyors on  
Date June 18, 2015

STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
BOARD OF PROFESSIONAL ENGINEERS  
AND LAND SURVEYORS

IN THE MATTER OF THE SUSPENSION OR	:	
REVOCATION OF THE LICENSE OF	:	
	:	Administrative Action
	:	
<b>JOSEPH D. GREENAWAY</b>	:	
<b>LICENSE NO. 24GS03583900</b>	:	
	:	
	:	<b>CONSENT ORDER</b>
TO PRACTICE LAND SURVEYING	:	
IN THE STATE OF NEW JERSEY	:	

THIS MATTER was opened to the New Jersey State Board of Professional Engineers and Land Surveyors ("Board") upon receipt of information that Joseph D. Greenaway, P.L.S., engaged in professional misconduct. The record reveals that on or about April 3, 2007, Mr. Greenaway sent a proposal to his client, an engineer who was acting on behalf of a property owner. Mr. Greenaway's proposal sought to provide professional land surveying services regarding the development of a 10.5 acre parcel of land located in Montague Township, New Jersey. Mr. Greenaway was to prepare a "Boundary and Topography Survey" as

part of the proposal. Previously signed and sealed surveys were also to be used in connection with submissions to the New Jersey Department of Environmental Protection ("NJDEP") or other agencies. Under the proposal, Mr. Greenaway would perform a field survey, establish horizontal and vertical controls for construction layout, locate wetland flags, and obtain sight distances. Mr. Greenaway was given a survey prepared by a prior surveyor, dated May-June 2006 ("Prior Survey"). He was also in possession of a Deed to the property and a copy of the official Municipal Tax Map of Montague ("Montague Tax Map").

Mr. Greenaway prepared a "Map of Property" ("Property Map") dated May 9, 2007 and revised it on July 26, 2007. During a subsequent investigative hearing, Mr. Greenaway testified that he did not intend for his Property Map to be considered a survey of the property, even though it was based on a field survey. Mr. Greenaway had used the Prior Survey to establish the boundary lines and other relevant information in preparation of his Property Map.

Mr. Greenaway further testified that while performing this work he discovered a five acre boundary line conflict from discrepancies between the Montague Tax Map and the Prior Survey. Specifically, the Prior Survey showed the parcel as being comprised of Tracts 2 and 1 (Block 19, Lots 45.02 and part of Lot 46, respectively). The Montague Tax Map showed Lot 46 as

consisting of lands owned solely by the State of New Jersey and known as High Point State Park.

Mr. Greenaway discussed the conflict with the prior surveyor who assured Mr. Greenaway that the boundary lines shown on the Prior Survey were accurate. Mr. Greenaway accepted these oral representations and determined that further investigation or review of available documents was not warranted or required. He believed his professional responsibilities as a Professional Land Surveyor had been fulfilled. Mr. Greenaway did not note the boundary line conflict on the Property Map he prepared. He also did not inform his client of the five acre conflict in writing and does not recall whether he did so orally.

Instead, Mr. Greenaway prepared his Property Map and submitted it to his client. Notably, the Property Map contained an unlabeled dashed line which had the effect of consolidating the two separate tracts to show the entire property as a single tract known as Block 19, Lot 45.02. This was also in conflict with the Montague Tax Map. This Property Map was submitted to the NJDEP as part of an application seeking approval to develop the property. The NJDEP reviewed the client's submission and noted the boundary line conflict. NJDEP denied the application until the dispute was resolved. However, from the record, it appears that prior to approval, and in reliance on the Prior Survey and the Property Map, there was development on High Point

State Park property which disturbed wetlands and harmed the environment.

The Board alleges and finds that Mr. Greenaway's actions described above constitute gross negligence in violation of N.J.S.A. 45:1-21(c) and repeated acts of negligence in violation of N.J.S.A. 45:1-21(d) in that he prepared an inaccurate Property Map which misrepresented the boundary line conflict, failed to properly note the discrepancies between the Montague Tax Map and Prior Survey, and improperly consolidated the two tracts into a single parcel. His actions also constitute professional misconduct in violation of N.J.S.A. 45:1-21(e) in that Mr. Greenaway failed to exercise independent professional judgment by solely relying upon the prior surveyor's verbal representations as to the accuracy of the Prior Survey, and failed to properly identify the disputed boundary line. Finally, Mr. Greenaway's actions constitute a violation of or failure to comply with the provision of any act or regulation administered by the Board in violation of N.J.S.A. 45:1-21(h) (specifically, the failure to act as a faithful agent or trustee for his client in violation of N.J.A.C. 13:40-3.5 and the failure to prepare an accurate survey as required by N.J.A.C. 13:40-5.1). Mr. Greenaway neither admits nor denies the Board's allegations leading to the above findings.

IT NOW APPEARING that Mr. Greenaway and the Board desire to resolve this matter without recourse to formal proceedings and for good cause shown:

IT IS ON THIS 15<sup>th</sup> DAY OF June, 2015,

**HEREBY ORDERED AND AGREED THAT:**

1. Mr. Greenaway's license to practice professional land surveying in the State of New Jersey shall be, and hereby is, suspended for a period of one year, effective the date of the filing of this Consent Order. The entire period of suspension shall be stayed and served as a period of probation.

2. Upon signing this Consent Order, Mr. Greenaway shall pay a civil penalty of \$5,000.00 for violations of N.J.S.A. 45:1-21(b), (e), and (h); and N.J.A.C. 13:40-3.5 and -5.1.

3. Payment of this civil penalty shall be made pursuant to a payment plan as follows: The amount of \$5,000.00 shall be paid in six monthly installments. The first five installments shall be in the amount of \$833.33. The sixth installment shall be in the amount of \$833.35. The first installment shall be due on or before the first of the month following service on Mr. Greenaway or his attorney of a filed copy of this Consent Order. Each subsequent installment shall be due on the first day of each of the following five months.

4. Payments made pursuant to this Consent Order shall be made by wire transfer, or by bank check, money order, or

certified check made payable to the "State of New Jersey" and sent to the State Board of Professional Engineers & Land Surveys, 124 Halsey Street, 3<sup>rd</sup> Floor, Newark, New Jersey 07102. Any payment in a form other than those noted above will be rejected and returned to the sender. Subsequent violations will subject Mr. Greenaway to enhanced penalties pursuant to N.J.S.A. 45:1-25.


5. During the probationary period, Mr. Greenaway shall provide proof of successful completion, to the Board's satisfaction, of a minimum of eight hours of continuing education in the area of ethics and eight hours in the area of boundary resolution and monuments, which shall be pre-approved by the Board. This continuing education shall not count towards the continuing education requirement of any biennial renewal period. Failure to successfully complete this requirement during the probationary period shall constitute a violation of this Consent Order.

6. During the probationary period, Mr. Greenaway agrees that in the event he is determined by the Board to be in violation of any statute and/or regulation which the Board administers, then the period of stayed suspension provided above shall be activated and Mr. Greenaway's license to practice professional land surveying in the State of New Jersey shall be automatically suspended without a hearing, in addition to any

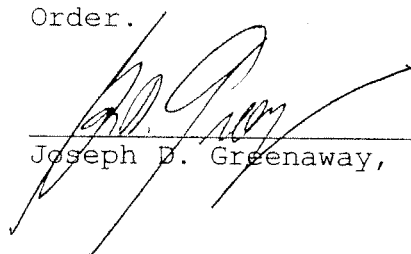
other limitations or restrictions the Board deems appropriate. Additionally, Mr. Greenaway has an affirmative duty to immediately inform the Board, in writing, of any potential or actual violations. Within five days of notification of the suspension, Mr. Greenaway may seek a hearing by written application to the Board limited to the sole issue of whether a violation of this Consent Order has occurred.

NEW JERSEY STATE BOARD OF PROFESSIONAL  
ENGINEERS AND LAND SURVEYORS

By  
*James Valenti*

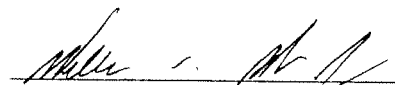
  
James E. Cleary, P.E., ~~P.E.~~  
Board President ~~Vice-President~~

I have read and I understand this Consent Order and agree to be bound by its terms. I consent to the entry of this Consent Order.

  
Joseph D. Greenaway, P.L.S.

5/4/15  
Date

I am Mr. Greenaway's attorney and I consent to the form and entry of this Order.

  
William Waldron, Esq.  
Attorney for Joseph D. Greenaway

5/8/15  
Date